

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID SAMPSON HUNTER, ) Case No. C 14-1639 PSG (PR)  
Plaintiff, )  
v. ) **ORDER OF DISMISSAL  
WITHOUT PREJUDICE**  
MEDICAL PERSONNEL, et al., )  
Defendants. )

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David Sampson Hunter, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983. On October 17, 2014, the court ordered Hunter's complaint dismissed with leave to amend, and directed Hunter to file an amended complaint.<sup>1</sup> On October 24, 2014, the order sent to Hunter was returned as undeliverable because Hunter was not in custody. On November 14, 2014, Hunter submitted a notice of change of address in *Hunter v. Mark*, No. 14-1446 PSG (N.D. Cal. filed March 28, 2014), which was dismissed on August 28, 2014. Thereafter, on December 11, 2014, the court re-sent to this latest address the order dismissing Hunter's complaint with leave to amend, and directed Hunter to file an amended complaint within thirty

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<sup>1</sup> See Docket No. 21.

1 days or face dismissal.<sup>2</sup> On January 12, 2015, the order sent to Hunter was returned as  
2 undeliverable because it was unclaimed.

3 Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address  
4 changes while an action is pending must promptly file a notice of change of address specifying  
5 the new address.<sup>3</sup> The court may, without prejudice, dismiss a complaint when: (1) mail directed  
6 to the *pro se* party by the court has been returned to the court as not deliverable, and (2) the court  
7 fails to receive within sixty days of this return a written communication from the *pro se* party  
8 indicating a current address.<sup>4</sup>

9 More than sixty days have passed since the mail sent to Hunter by the court was returned  
10 as undeliverable on January 12, 2015. The court has not received a notice from Hunter of a new  
11 address.

12 Accordingly, the instant complaint is DISMISSED without prejudice pursuant to Rule 3-  
13 11 of the Northern District Local Rules. The Clerk shall terminate all pending motions, enter  
14 judgment, and close the file.

15 IT IS SO ORDERED.

16 DATED: 3/16/2015

  
PAUL S. GREWAL  
United States Magistrate Judge

25 <sup>2</sup> See Docket No. 28.  
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27 <sup>3</sup> See Civil L.R. 3-11(a).  
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<sup>4</sup> See Civil L.R. 3-11(b).